

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

—

WRIT PETITION No.4585 of 2007

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Date: 08.03.2007

Between:

M/s.Rama Poultries.

....Petitioner

and

The Chief Managing Director and another.

....Respondents

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ORDER:

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The petitioner is provided with the power supply through service connection No.325 at Nidadavolu, West Godavari District. An inspection was caused on 06.01.2007 and it was found that the power valued at Rs.14,591/- was pilfered by the petitioner. An order of provisional assessment, dated 16.02.2007, was issued to the petitioner and it was indicated that if the petitioner wants continuance of power supply, it must pay 50% of the amount being Rs.7,296/-. The petitioner states that the power supply was disconnected for non-payment of the amount. It challenges the same and contends that under Section 126 of the Electricity Act, 2003, such a course is impermissible.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

The Electricity Act, 2003 (for short 'the Act') brought about substantial changes in the relation between the power supplier and the consumers. A Division Bench of this Court interpreted Section 126 of the Act in W.A.Nos.452 and 477 of 2004 to the effect that no amounts can be demanded on the basis of orders of provisional assessment. It was also indicated that the liability of the consumer would arise only after an order of final assessment is issued.

Following the same, the writ petition is allowed and it is directed that the respondents shall restore the power supply forthwith to the petitioner, without insisting on payment of any

amount on the basis of the order of provisional assessment. It is, however, made clear that the petitioner shall be liable to pay the amount that may be indicated in the order of final assessment or any other proceedings as may be initiated by the respondents, in accordance with law. There shall be no order as to costs.

08.03.2007

Note: Issue c.c. in two days.

(B/o)

kdl

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